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PATENT APPLICATION

ATTORNEY DOCKET NO.: 01017/37128C

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Application of: Medlock *et al.*

Serial No: 10/037,591

Filed: December 21, 2001

For: IL-17 Like Molecules and Uses  
Thereof

Group Art Unit: 1714

Examiner: TBD

) I hereby certify that this paper is being  
) deposited with the United States Postal Service  
) as First Class mail, postage prepaid, in an  
) envelope addressed to: Commissioner for  
) Patents, Washington, D.C. 20231 on August  
) 23, 2002.

David A. Gass

Registration No: 38,153

Attorney for Applicants

**PRELIMINARY AMENDMENT "B"**

Commissioner for Patents  
Washington, D.C. 20231

Sir:

This amendment is submitted herewith as a required accompaniment to the Petition for Acceptance of Color Photograph Drawings pursuant to 37 C.F.R. §§ 1.84(a)(2) and 1.84(b)(2).

**AMENDMENT**

Please amend the specification as follows:

At page 15, between lines 23 and 24, please insert the following paragraph:

--The file of this patent contains at least one drawing executed in color. Copies of this patent with color drawing(s) will be provided by the Patent and Trademark Office upon request and payment of the necessary fee.--

**REMARKS**

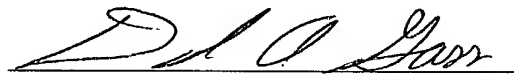
The basis for this amendment relates to the submission herewith of a Petition for Acceptance of Color Photograph Drawings pursuant to 37 C.F.R. §§ 1.84(a)(2) and

1.84(b)(2). Figures 9A-9H, 10A-10I, 16, 17, and 23A-23C are colored drawings of color-stained biological specimens and 2-color flow cytometric dot plots. The use of color in these drawings, may be considered necessary to improve the public's understanding of the invention, since all of the detail of these drawings would not be evident in black and white. Pursuant to 37 C.F.R. §§ 1.84(a)(2)(iii), an amendment must accompany such a petition to insert the above paragraph as the first paragraph of the brief description of the drawings. Accordingly, entry of the amendment is requested if and only if the petition is granted in full or in part.

Respectfully submitted,

MARSHALL, GERSTEIN & BORUN  
6300 Sears Tower  
233 South Wacker Drive  
Chicago, Illinois 60606-6357  
(312) 474-6300

By



David A. Gass  
Reg. No.: 38,153  
Attorney for Applicants

August 23, 2002



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**PATENT APPLICATION**  
**ATTORNEY DOCKET NO.: 01017/37128C**

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) David A. Gass  
) Registration No: 38,153  
) Attorney for Applicants  
)

**PETITION FOR ACCEPTANCE OF COLOR PHOTOGRAPH DRAWINGS**  
**PURSUANT TO 37 C.F.R. §§ 1.84(a)(2), AND 1.84(b)(2)**

Commissioner for Patents  
Washington, D.C. 20231

Sir:

Pursuant to 37 C.F.R. §§ 1.84(a)(2) and 1.84(b)(2), Applicants respectfully request to have color photograph drawings accepted in the above-identified utility patent application (hereafter "the application").

Color drawings may be considered necessary for Figs. 9A-H and 10A-10J because, in the application, these figures are described as depicting H & E staining, B220 staining, and F4/80 staining, which are color stains for identifying various immunological cells in tissue samples (*see* specification, page 169, lines 6-23). The various colored distinctions appear as different shades of black/grey when the figures are reproduced in black and white, rather than as the colors characteristic of H & E staining, B220 staining, or F4/80 staining. The various colored distinctions not only identify particular immunological cells but also the biological state of these cells (i.e. myeloid hyperplasia) (page 169, lines 15-23). Thus, color figures may be considered necessary in this application even though one skilled in the art is capable of understanding the staining depicted in Figures 9A-9H and 10A-10J by reference to black and white copies of these figures.

Color drawings may be considered necessary for Figures 16 and 17 because, in the application, these figures are described as 2-color flow cytometric dot plots. These 2-color flow cytometric dot plots depict the change in immunologic cell populations (granulocytes, eosinophils) in the IL-17 like transgenic mice vs. their non-transgenic littermate controls using either CD45R+ and IL-17 like-Fc (Figure 16) or CD4 and IL-17 like-Fc (Figure 17) markers to label the immunologic cells (*see* specification at page 19, lines 6 to page 10, line 8). Each particular immunologic cell that is labeled appears as a particular color on the dot plot. The various colored distinctions of each cell population appear as non-distinctive black dots when the figures are produced in black and white (see transgenic panel B in Figures 16 and 17).

Colored drawings may be considered necessary for Figure 23A-23C because, in the application, these colored figures are described as *in situ* hybridization immunostaining where IL-17RB expression was depicted as pink areas in cells within either lymph node tissue (Figure 23A), lung tissue (Figure 23B) or mesentery tissue (Figure 23C) (*see* specification page 189, lines 13-26). The pink colors that are representative of IL-17RB expression appear as non-distinctive black/grey shades when the figures are produced in black and white rather than distinctive pink expression vs. purple non-expressive cells when the figures are produced in color.

Pursuant to 37 C.F.R. §§ 1.84(a)(2)(i) and 1.17(h), a check for \$130.00 is enclosed herewith.

Pursuant to 37 C.F.R. § 1.84(a)(2)(ii), three sets of color drawings of Figures accompany this petition.

Pursuant to 37 C.F.R. §§ 1.84(a)(2)(iii) and 1.312, a proposed amendment (Preliminary Amendment "B") is submitted herewith to insert the following language in the specification:

The file of this patent contains at least one drawing executed in color.  
Copies of this patent with color drawing(s) will be provided by the Patent and Trademark Office upon request and payment of the necessary fee.

This petition is not intended as an admission that color drawings are necessary to comply with any statutory requirement.

In connection with this petition the PTO is requested to charge any additional necessary fees or refund any overpayment to the Deposit Account No. 13-2855.

Respectfully submitted,

MARSHALL, GERSTEIN & BORUN  
6300 Sears Tower  
233 South Wacker Drive  
Chicago, Illinois 60606-6357  
(312) 474-6300

By



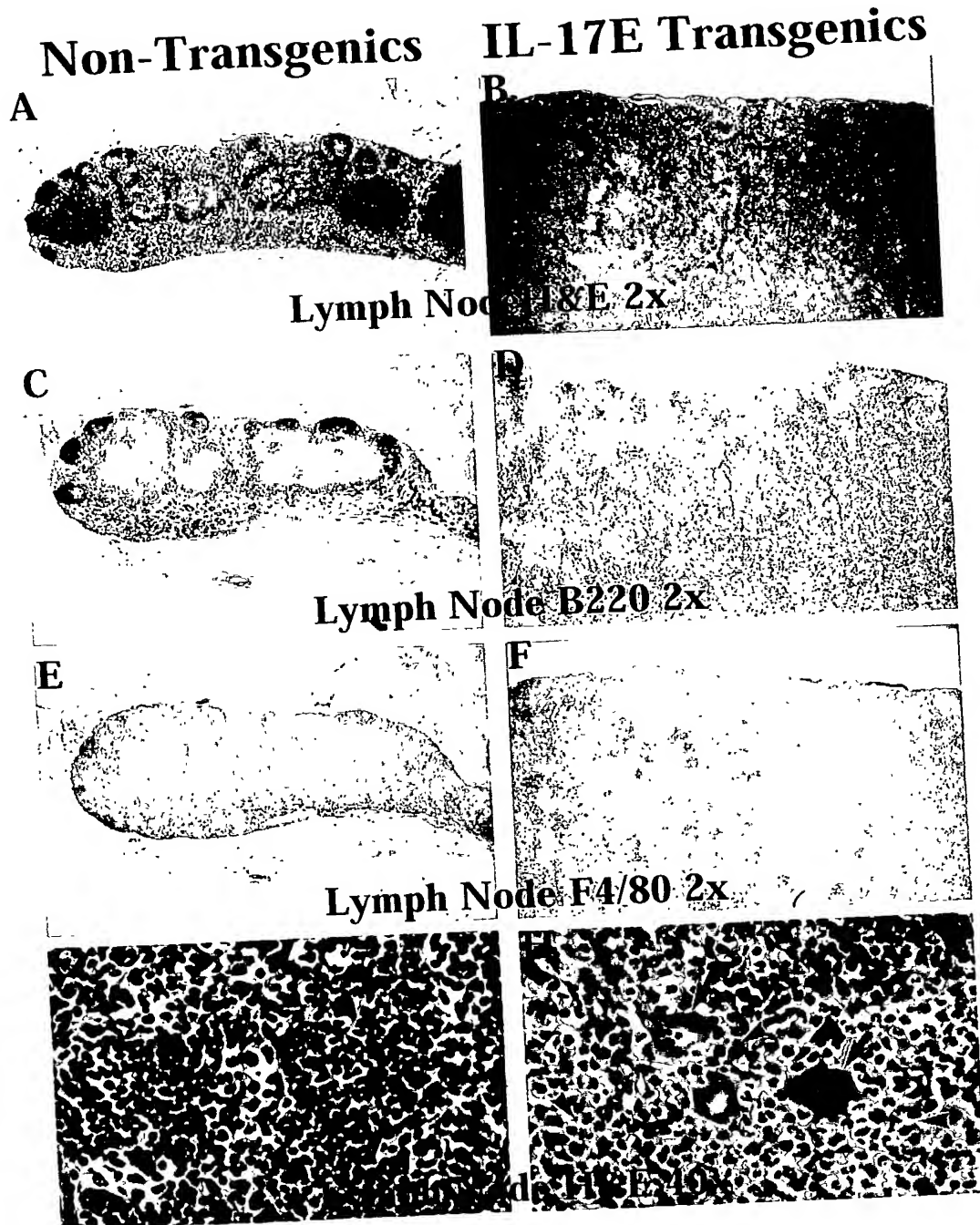
David A. Gass  
Reg. No.: 38,153  
Attorney for Applicants

August 23, 2002



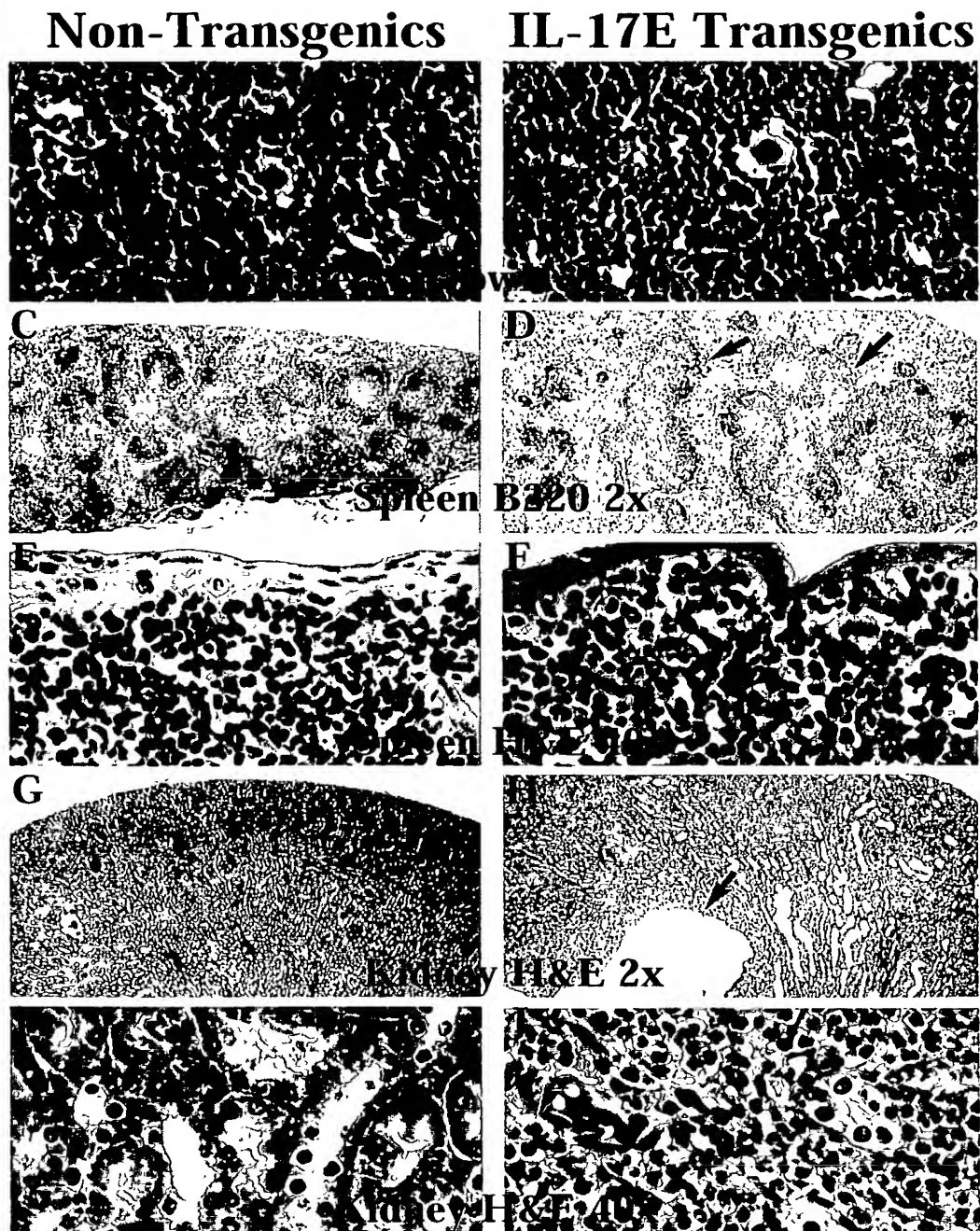
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Figure 9



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Figure 10



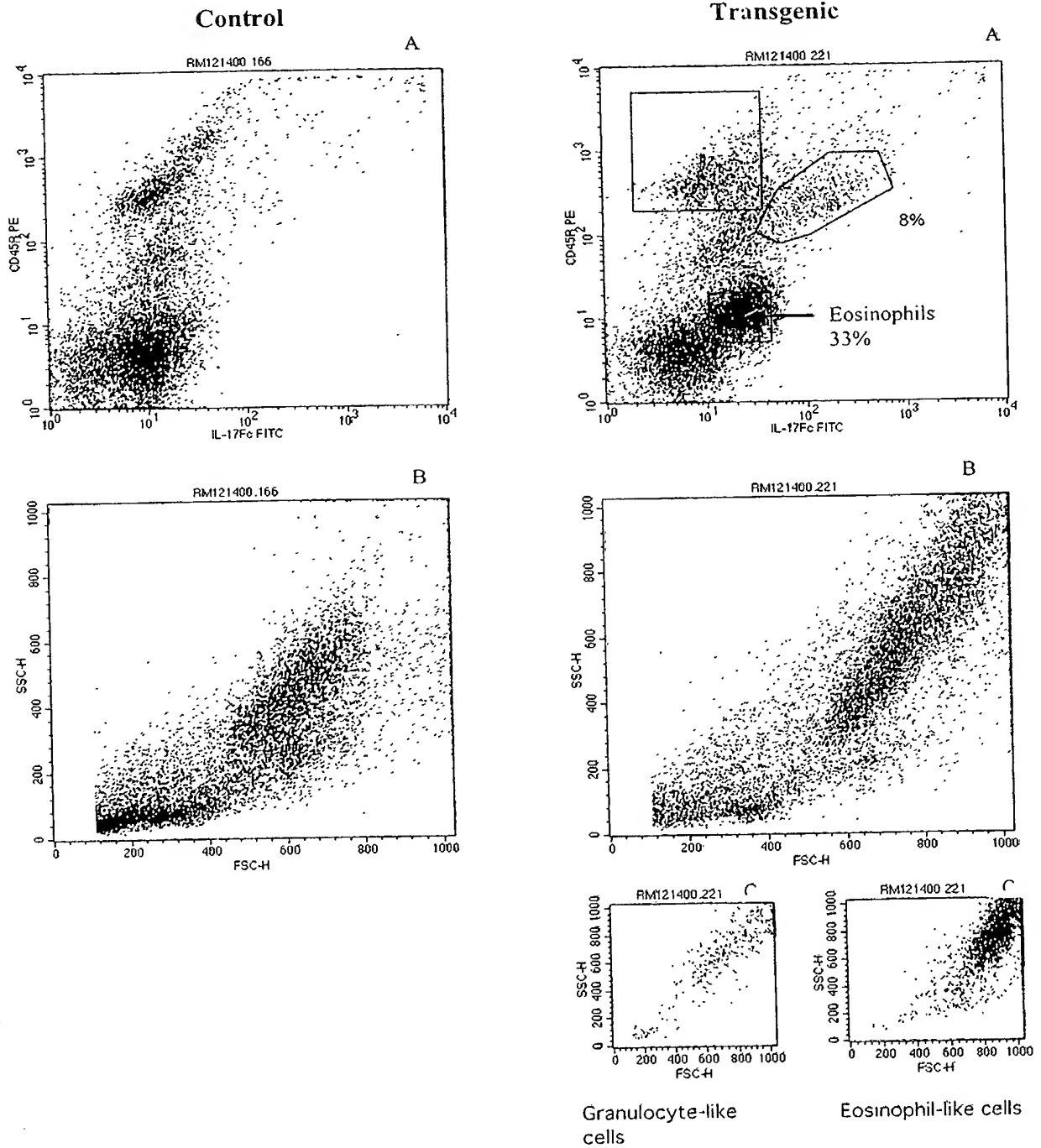


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Figure 16

# CD45R+ CELLS EXPRESSING IL17Br IN TRANSGENIC BONE MARROW



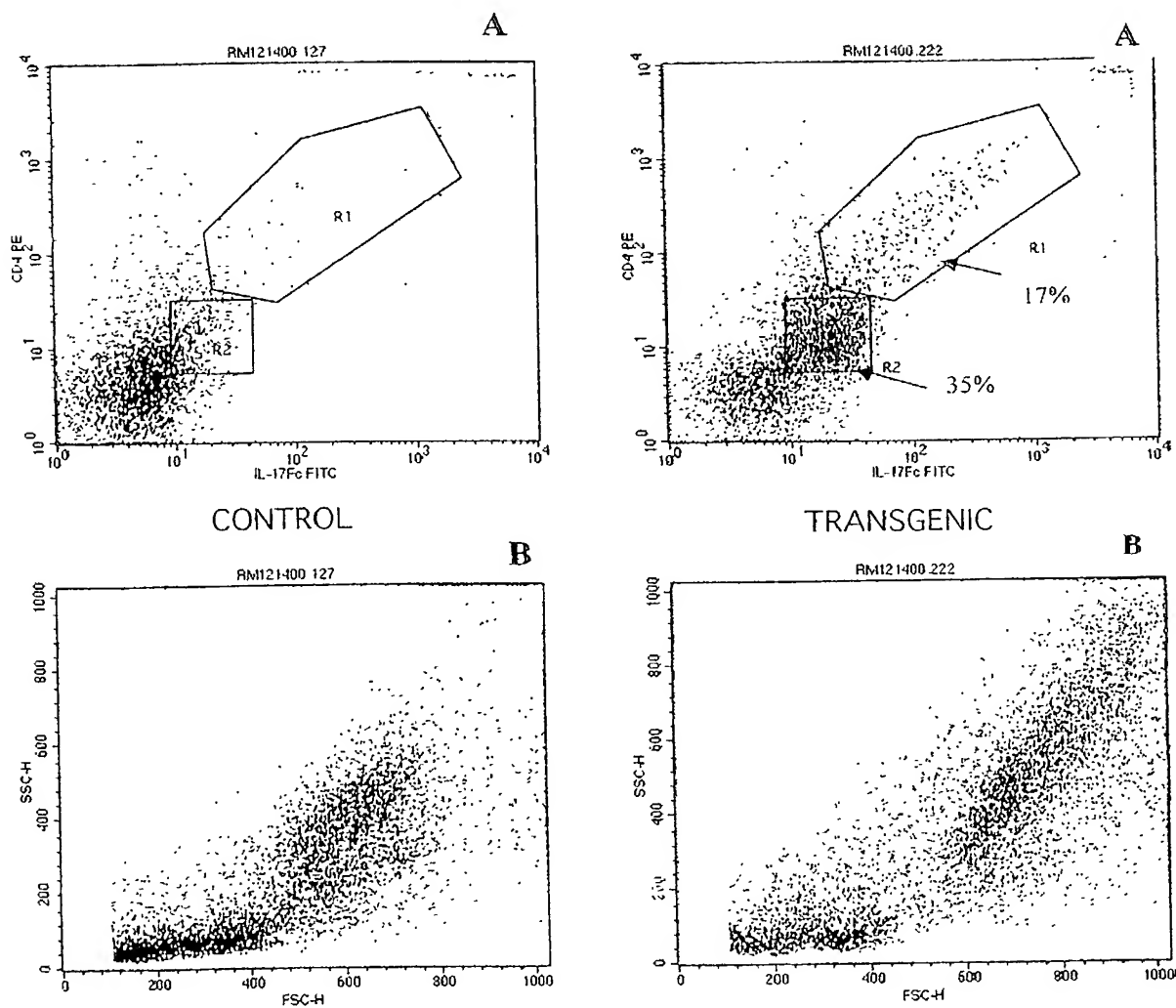




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Figure 17

# CD4+ CELLS EXPRESSING IL17Br IN TRANSGENIC BONE MARROW





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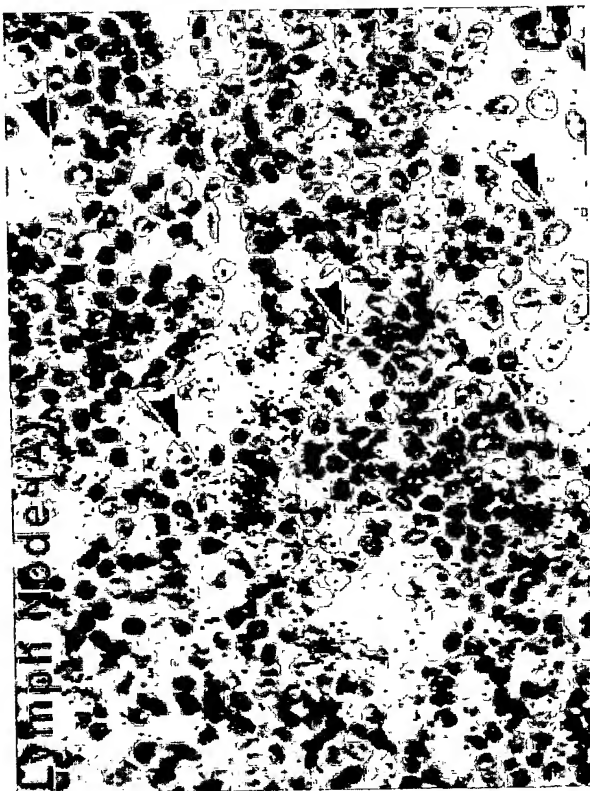
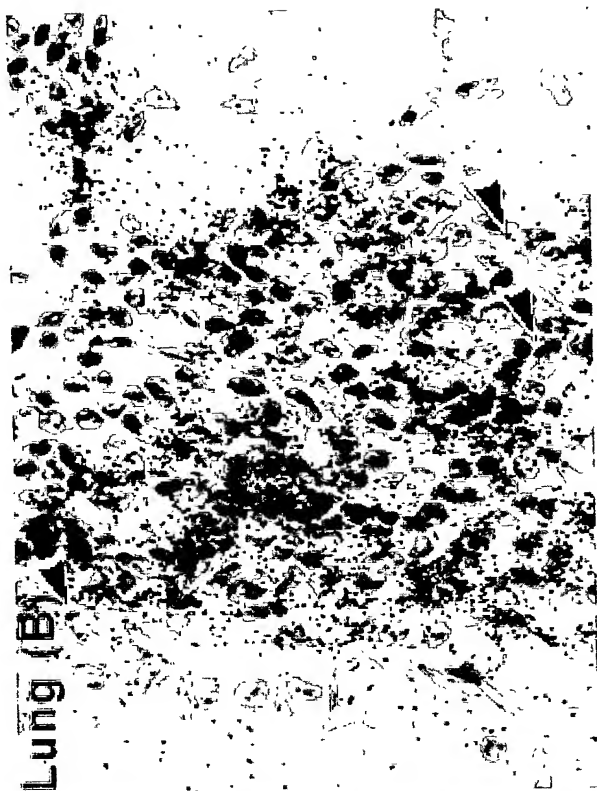


FIG.23